

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LANDMARK AMERICAN INSURANCE COMPANY	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:24-cv-03729
	)	
BENEFIT ADMINISTRATIVE SYSTEMS, L.L.C and N&S TRACTOR COMPANY HEALTH & WELFARE PLAN,	)	Hon. Judge Edmond E. Chang
	)	
	)	
Defendants.	)	

**PLAINTIFF’S JURISDICTIONAL STATEMENT**  
**PURSUANT TO THE COURT’S JULY 1, 2024 ORDER**

Plaintiff, Landmark American Insurance Company (“Landmark”), by and through its attorneys TRAUB LIEBERMAN STRAUS AND SHREWSBERRY, LLP, hereby submits this Jurisdictional Statement, pursuant to the Court’s July 1, 2024 Order (ECF No. 10), and states as follows:

On May 5, 2024, Landmark filed its Complaint for Declaratory Judgment, pursuant to 28 U.S.C. § 2201, *et seq.* and Rule 57 of the Federal Rules of Civil Procedure, against Benefit Administrative Systems, L.L.C. (“BAS”) and N&S Tractor Company Health & Welfare Plan (the “Plan”). Landmark’s Complaint asserts two counts, which seek a declaratory judgment that Plaintiff has no duty to defend or indemnify BAS against a cross-complaint filed by the Plan in the lawsuit styled *Enloe Medical Center v. Benefit Administrative Systems, L.L.C., et al.*, Case No. 22CV00247, pending in the Superior Court of California, Butte County (the “Underlying Lawsuit”). (ECF No. 5). On July 1, 2024, the Court issued an order requiring Landmark to file a memorandum identifying the incorporation status of Landmark and N&S, and if not incorporated, the members of said entities and their citizenship. (ECF No. 10).

Landmark is, and at all times relevant, has been a corporation organized under the laws of New Hampshire, with its principal place of business located in Georgia. *See Exhibit 1* (Screenshot of the New Hampshire Secretary of State website).

The Plan is a “voluntary unincorporated association,” and therefore, the citizenship of its members is determinative of the existence of diversity citizenship. *RTP LLC v. ORIX Real Estate Capital, Inc.*, 827 F.3d 689 (7th Cir. 2016). The citizenship of an employee benefit plan depends upon the citizenship of its participants. *See id*; *Navarro Sav. Ass’n v. Lee*, 446 U.S. 458 (1980).

In this case, the Plan is sponsored by N&S Tractor Co., a corporation organized under the laws of California, with its principal place of business located in California. *See Exhibit 2* (Screenshot of the California Secretary of State website, “N & S Tractor Co. (539749), <https://bizfileonline.sos.ca.gov/search/business>). According to N&S Tractor Co.’s website, it only has locations in California and Oregon. <https://www.nstractor.com/company-profile/locations/>. Upon information and belief, the employees identified on N&S Tractor Co.’s website<sup>1</sup> are the Plan’s “participants.” Based on a public records search, Landmark was able to locate residency information for 50 of the 75 employees identified on N&S Tractor Co.’s website and those individuals appear to be residents of, and therefore citizens of, California and Oregon. The N&S Tractor website confirms that the remaining 25 employees of N&S Tractor Co. have telephone numbers with area codes in California and Oregon. *See* fn. 1.

Dated: July 15, 2024

Respectfully submitted,

LANDMARK AMERICAN INSURANCE  
COMPANY

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<sup>1</sup> <https://www.nstractor.com/company-profile/about-ns-tractor/>; <https://www.nstractor.com/departments/sales-department/>; <https://www.nstractor.com/departments/parts-department/>; <https://www.nstractor.com/departments/service-department/>.

/s/ Brian C. Bassett  
One of the Attorneys for Plaintiff

Brian C. Bassett (6285714)  
[bbassett@tlsslaw.com](mailto:bbassett@tlsslaw.com)  
Danielle K. Kegley (6320903)  
[dkegley@tlsslaw.com](mailto:dkegley@tlsslaw.com)  
TRAUB LIEBERMANN STRAUS SHREWSBERRY, LLP  
71 S. Wacker Dr., Ste. 2110  
Chicago, Illinois 60606  
(312) 332-3900  
(312) 332-3908 fax

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 15, 2024, I electronically filed the above with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ Brian C. Bassett  
Brian C. Bassett